

Remarks

Claim 19 is pending. Claims 21 and 22 were cancelled. Claim 19 was amended to define the bisphosphonates as 3-amino-1-hydroxypropane-1,1-diphosphonic acid and 1-hydroxy-2-(imidazol-1yl)ethane-1,1-diphosphonic acid.

Applicants would like to know the status of the Terminal Disclaimer filed on December 4, 2007. According to the Advisory Action, acknowledgement is made of Applicants filing of the Terminal Disclaimer but it has not been approved in the PTO record.

The Examiner states that the term "comprising" in the instant claims allows for the inclusion of any other unspecified ingredients even in major amounts and therefore, the claims stand rejected under 35 U.S.C. 102(e). The present invention does not contemplate this in the claims, examples of specification and so it is unacceptable for the Examiner to read into the claims an additional therapeutic agent.

The use of a composition comprising integrin receptor antagonist, bisphosphonates, and a vascular endothelial growth factor inhibitor as described in U.S. Patent No. 6,048,861 does not anticipate the present set of claims.

U.S. Patent No. 6,048,861 does not teach each and every element, either expressly or inherently, as set forth in the present set of claims " Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The class of bisphosphonates and the diseases to be treated as set forth in the present set of claims are not taught, either expressly or inherently, by U.S. Patent No. 6,048,861. The methods of treatment taught in U.S. Patent No. 6,048,861 relate to the use of integrin receptor antagonists alone or in combination with other agents. The present set of claims do not allow for the inclusion of any other unspecified ingredients. Therefore, the use of a composition comprising integrin receptor antagonist, bisphosphonates, and a vascular endothelial growth factor inhibitor as described in U.S. Patent No. 6,048,861 does not anticipate the presently pending recited claims and Applicants respectfully request this rejection be withdrawn from consideration.

With respect to the obviousness rejection over Askew et al. (U.S. Patent No. 6,048, 861) in view of Reszka et al. (U.S. Patent No. 6,416,964), Applicants provide the following comments. There is no suggestion or motivation in U.S. Patent No. 6,048,861 to use a specific class of bisphosphonates for the treatment of a specific set of diseases as set forth in the present set of claims. U.S. Patent No. 6,048,861 relates to compounds that are antagonists of the integrin receptors $\alpha\beta3$, $\alpha\beta5$ and/or $\alpha\beta6$ which are useful for inhibiting bone resorption. The integrin receptor antagonists can be further combined with other agents, including bisphosphonates. As stated above, the present set of claims do not allow for the inclusion of any other unspecified ingredients and relate to a specific class of bisphosphonates for the treatment of a specific set of diseases. A person of ordinary skill in the art would not look to the teachings in U.S. Patent No. 6,048,861 which describe integrin receptor antagonists and arrive at the claimed invention relating to bisphosphonates. Different classes of compounds have different effects on the body

and it would not be obvious to a person of ordinary skill in the art to apply the teachings related to one class of drugs and apply it to a second class of drugs. Furthermore, there is no suggestion or teaching in U.S. Patent No. 6,048,861 that the diseases to be treated by integrin receptor antagonists would also be treated using bisphosphonates. Without a reasonable expectation of success for treating these diseases, a person of ordinary skill in the art would not look to the teachings of U.S. Patent No. 6,048,861 to arrive at the present invention.

U.S. Patent No. 6,316,964 does not correct the deficiencies of the primary reference, U.S. Patent No. 6,048,861. U.S. Patent No. 6,316,964 relates to methods of identifying modulators of kinases responsive to stress and describes bisphosphonates as useful for treating or preventing diseases or conditions that are mediated by, for example, abnormal bone resorption or angiogenesis. U.S. Patent No. 6,316,964 does not teach or suggest the use of a bisphosphonate in the preparation of a medicament for the treatment of any of the diseases recited in the claims, wherein the bisphosphonate acts an angiogenesis inhibiting or reversing agent. U.S. Patent No. 6,316,964 does not teach or suggest that other diseases than the ones mentioned therein could be treated with bisphosphonates. Based on the above arguments, Applicants respectfully request that the 35 U.S.C. 103(a) rejections be withdrawn from consideration.

Entry of this Response is respectfully requested.

Respectfully submitted,

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Date: 4/2/08